

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CLARK LEARY,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,**

*Commissioner of the*

*Social Security Administration*

**Defendant.**

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**CIVIL ACTION NO. 11-6980**

**ORDER**

**AND NOW**, this \_\_\_\_ day of June, 2013, after careful and independent review of the Report and Recommendation of Thomas J. Rueter, United States Magistrate Judge, it is hereby **ORDERED** as follows:

1. The Report and Recommendation be **APPROVED** and **ADOPTED**;
2. The Plaintiff's Request for Review be **DENIED**; and
3. Judgment be **ENTERED** in favor of the Commissioner of the Social Security Administration.<sup>1</sup>

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<sup>1</sup> This Court is bound by the Commissioner's findings of fact if they are supported by substantial evidence in the record. See 42 U.S.C. § 405(g). "Substantial evidence" is defined as "more than a mere scintilla," but less than a preponderance, of such "relevant evidence as a reasonable mind might accept as adequate." *Plummer v. Apfel*, 186 F.3d 422, 427 (3d Cir. 1999). In this case, there is "substantial evidence" to support the Commissioner's final decision that Plaintiff failed to meet a listed impairment to be found disabled and that, although Plaintiff could not perform his past relevant work, he could perform other work in the national economy. Further, Plaintiff has not filed any objections identifying factual errors in the magistrate's report or pointing to other evidence which would render the magistrate's conclusions, affirming the Commissioner's decision, unsupported by the record. Accordingly, and for the reasons stated in the magistrate's Report and Recommendation, this Court enters judgment in favor of the Commissioner of the Social Security Administration.

**BY THE COURT:**

/s/ Petrese B. Tucker

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**Hon. Petrese B. Tucker, C.J.**